

CITY OF SAN DIEGO  
M E M O R A N D U M

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AUG 12 2004  
COUNCILMEMBER  
DONNA FRYE

DATE: August 13, 2004  
TO: Councilmember Donna Frye, Council District 6  
FROM: S. Gail Goldberg, AICP, Planning Director  
SUBJECT: Community Plan Versus Zoning (AIM 04-0206)

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The Planning Department received a copy of your memorandum to P. Lamont Ewell, dated June 17, 2004, regarding community plan versus zoning. The Planning Department is aware that this issue is important to you and the residents of Council District 6. It is also important to the Planning Department. Implementation of adopted land use plans is a top priority and is not something taken lightly.

Your primary concern, as detailed in the memo, is residential proposals within areas designated for commercial use in the community plan. It should first be noted that if a commercial zone allows residential use and no discretionary action is requested, the review of a residential or mixed-use project can be processed ministerially. To avoid the potential for adding residential use, a rezone could be considered to apply a commercial zone established with the Land Development Code that does not allow any residential use.

While most commercial zones that implement commercial land use designations allow residential use as part of development, the community plan policies must be considered with the review of discretionary permits. With a discretionary review, when the community plan prohibits residential use in a commercial designation, a residential use could not be supported, even though the zone may allow it. Likewise, some community plans specifically allow or encourage residential or mixed use in commercially designated areas. When a community plan is silent on the issue of residential use in a commercial designation, the reviewer and the decision maker are given broader discretion. When the plan is not explicit about allowing residential on a specific commercial site, the community plan is considered in its entirety. General Plan policies are considered, including other General Plan elements and the Strategic Framework Element. When adopted policies support allowing residential use in a commercial designation, the Planning Department may support that use only if the proposal meets those overall goals and objectives of the community plan. The City has approved many such projects over the years.

It is acknowledged that some community plans provide little, if any, guidance on residential use in a commercial designation. Especially in older community plans, it is unclear and left to the decision makers to determine whether the discretionary permit findings can be made to approve the project. Over time, there has been an improvement in the level of guidance provided in the community plans, and this trend will continue as community plans are updated in the future. Additionally, new commercial zones have been developed with the Land Development Code that can be applied to better implement various commercial designations, including zones that prohibit residential use.